

State ID No. 79-02-36-200-009.000-023
Tax Key No. 134-08400-0391

PERMANENT DEED OF EASEMENT

This Indenture Witnesseth, that City of West Lafayette, Indiana, an Indiana municipal corporation, (hereinafter called Grantor) of Tippecanoe County, State of Indiana, CONVEYS AND GRANTS to American Suburban Utilities, Inc., an Indiana Corporation (hereinafter called Grantee), for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, a perpetual easement in and to the real estate described in Exhibit "A" ("Easement Area"), consisting of one (1) page, which is attached hereto, incorporated by reference and made a part hereof, to-wit:

(H.I.)

all of which is associated with the American Suburban Utilities Big 3 Sewer Project.

Grantor, for itself and its successors and/or assigns, agrees that it will not plant any trees or erect any permanent structures or fence in the Easement Area (excepting any privately used driveways) or construct or maintain any other obstruction to the use of said Easement Area for the purpose permitted hereunder, including any repair thereof.

Grantee, its agents, servants, employees and/or assigns, shall have the right and authority to enter upon the Easement Area for the purpose of performing the purposes specified herein. Grantee agrees that it will promptly restore the Easement Area as near to the original condition as possible after any subsequent maintenance and repair of the same.

This Easement shall inure to the benefit of and be binding upon the parties hereto, their agents and/or successors and/or assigns.

Grantor reserves the right to use and occupy the surface area on and over the easement provided that said use and occupancy does not in any way conflict or obstruct Grantee's right to use said surface for the purposes and intentions, hereinabove expressed.

Wherever used herein, the terms "Grantor" and "Grantee" may be construed in the singular or plural as the context may require or admit, and for purposes of exceptions, reservations and/or covenants, shall include the heirs, legal representatives and assigns of individuals or the successors and assigns of corporations.

The undersigned person executing this instrument represents and certifies that the undersigned is authorized and has been fully empowered to execute and deliver this Permanent Easement.

IN WITNESS WHEREOF, the Grantor has executed this deed, this _____ day of _____, 2014.

APPROVED:

DATE: _____

CITY OF WEST LAFAYETTE
BOARD OF PUBLIC WORKS AND SAFETY

John R. Dennis, Mayor

Sana G. Booker, Member

Shawn R. Little, Member

Bradley W. Marley, Member

Jonathan C. Speaker, Member

Attest:

Clerk-Treasurer Judith C. Rhodes

GRANTEE'S ADDRESS: 3350 W. 250 N., West Lafayette, Indiana 47906

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ Scott Lods

This instrument prepared by: American Suburban Utilities, Inc., 3350 W. 250 N., West Lafayette, IN 47906, (765) 463-3856.

Legal Description of Permanent Easement

LEGAL DESCRIPTION – City of West Lafayette (Document No. 91-13870; Key No. 134-08400-0391 (79-02-36-200-009.000-023))

Sanitary Sewer Facilities Easement

An easement for sanitary sewer facilities in the Northeast Quarter of Section 36, Township 24 North, Range 5 West, Wabash Township, Tippecanoe County, Indiana, said easement being 40-feet in even width, approximately centered on a sanitary sewer, and being more completely described as follows, to-wit:

Commencing at the northeast corner of Section 36-24-5 marked by a Bernsten A1NB aluminum monument; thence along the north line of the northeast quarter of said section, North 89°42'37" West, 1979.88 feet to a corner (near the intersection of County Roads 140 West and 500 North) of the Schroeder Land Trust property as described in Document No. 96-15666 in the Tippecanoe County Recorder's Office; thence along the east line of said Schroeder Land Trust property and the east line of the City of West Lafayette property (1.47-acre tract) as described in Document No. 91-13870 in said recorder's office for the following two (2) courses: (1) South 00°20'05" East, 558.36 feet to the point of beginning; (2) South 00°20'05" East, 40.06 feet; thence South 86°27'46" West, 62.95 feet; thence South 65°38'29" West, 144.95 feet to the south line of said City of West Lafayette property; thence along the south line of said City of West Lafayette property, North 89°44'14" West, 96.01 feet to the northwest corner of the Rogers property as described in Document No. 02-031965 in said recorder's office; thence North 65°38'29" East, 239.58 feet; thence North 86°27'46" East, 72.53 feet to the point of beginning, said easement containing 0.239 acres, more or less.

All of said easement lies within the legal drain easement for Hadley Lakes Legal Drain/Cole Ditch.

Approximately 0.011 acres of said easement also lies within the gravel pavement (possible apparent right-of-way) for County Road 140 West.

Approximately 0.170 acres of said easement also lies within the 100-year floodplain per Flood Insurance Rate Map Number 18157C0131D dated September 25, 2009.

EXHIBIT

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